

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JERRY BRENDEN,

Plaintiff,

v.

SELLEN CONSTRUCTION COMPANY,

Defendant.

Case No. C05-1681L

ORDER DENYING MOTION FOR
NEW TRIAL AND DIRECTING
SUBMISSION OF ADDRESS

This matter comes before the Court on plaintiff's "Motion: For New Trial Rule 50." Dkt. # 11. Plaintiff's motion is premature and without merit. Plaintiff was granted leave to proceed *in forma pauperis* on December 15, 2005, and this action is less than one month old. The Court has not yet established a case management schedule for this litigation, defendant has had only the briefest opportunity to challenge the legal adequacy of plaintiff's complaint, and neither party has conducted discovery or otherwise prepared for trial. Federal Rule of Civil Procedure 50 does not require or even authorize a trial in such circumstances. Plaintiff's motion for a "new trial" is DENIED.

As mentioned above, plaintiff is proceeding *pro se* against his former employer, Sellen Construction Company. His application to proceed *in forma pauperis* was approved on December 15, 2005, and his complaint was accepted for filing as of that date. As a general

1 matter, the Court attempts to serve process by mail on behalf of litigants in plaintiff's position.¹
2 A review of the record shows that plaintiff has not provided an accurate or complete mailing
3 address for Sellen Construction Company, however. It is plaintiff's responsibility to provide all
4 necessary information for the Court to effect service of process on each defendant, including his
5 or her address. See Puett v. Blandford, 912 F.2d 270, 275 (9th Cir. 1990). Because service
6 usually must be accomplished within 120 days of the filing of the Complaint (see Fed. R. Civ. P.
7 4(m)), plaintiff is hereby ORDERED to provide an accurate and complete mailing address for
8 defendant Sellen Construction Company within **thirty(30)** days from the date of this Order.
9 Failure to comply may result in dismissal of this action without prejudice.

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12 DATED this 3rd day of January, 2006.

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14 Robert S. Lasnik
15 United States District Judge
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26 ¹ In this case, plaintiff has already attempted service by mailing a copy of his complaint to
defendant's counsel. Defendant rightly argues that such service is insufficient under Fed. R. Civ. P. 4.